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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,622	04/23/2001	Bulent M. Basol	NT-0206	5409

7590

06/01/2004

NuTool, Inc  
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EXAMINER

TRAN, BINH X

ART UNIT

PAPER NUMBER

1765

DATE MAILED: 06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.	Applicant(s)	
09/641,622	BASOL ET AL.	
Examiner	Art Unit	
Binh X. Tran	1765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any claimed patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 32-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32-36, 46-52 and 60 is/are allowed.
- 6) ☒ Claim(s) 37-40 and 43-45 is/are rejected.
- 7) ☒ Claim(s) 41-42, 53-59, 61 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.65(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. Claims 53-59, 61 are objected to because of the following informalities: In claim 53, "wherein the step of positioning positions a portion" appears to have incorrect grammar.

Claims 54-61 are objected because they directly or indirectly depend on objected claim 53. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 37-40, 43-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Emesh et al. (US 2002/0108861 A1).

Emesh discloses a method for electrochemically removing a semiconductor wafer comprising the steps of:

flowing a solution (electrolytic solution) through an electrode assembly, which comprises a first electrode member and a second electrode member (i.e. either plurality

of member 50 separated by channel 110, or member 50 is the first electrode and member 100 is the second electrode);

transporting the solution from the electrode member assembly to a mask plate (i.e., polishing pad 40) that interfaces the wafer (60) (page 3-4);

wetting selected parts of the wafers with the electrolytic solution;

applying a current to selected parts of the wafer by using the electrical conductor member (70) (See Fig 4, 6).

Respect to claim 38, Emesh teaches to interface the first and second electrode members with the selected part of the wafer (Fig 4, 6). Respect to claims 39-40, Emesh teaches to direct the solution to the peripheral parts and the center part by using channel 110 (Fig 4-5). Respect to claims 43, Emesh teaches to polish the wafer with the mask plate (40) (i.e. polishing pad). Respect to claims 44-45, Emesh discloses the electrode assembly comprises cathode (negative charge member 50) and/or anode (100) (member 100 is connected to a positive charge member 70, therefore it must be positive charge).

***Allowable Subject Matter***

4. Claims 32-36, 46-52, 60 are allowed.
5. Claims 41-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claims 53-59, 61 are objected because of the minor informalities, but would be allowable if rewritten to correct the minor informalities.

7. The following is a statement of reasons for the indication of allowable subject matter. The reasons for allowance have been discussed in previous office action.

***Response to Arguments***

7. Applicant's arguments with respect to the 35 U.S.C 103 rejections are persuasive. Therefore, the examiner withdraws the 35 U.S.C 103 rejections. Applicant's arguments filed 3-08-2004 with respect to the 102 rejections have been fully considered but they are not persuasive.

Applicants argue that member 50 in Emesh is a single platen. According to Applicants, "Emesh et al. do not show or suggest separate electrode members". The examiner disagrees. Emesh clearly discloses a plurality of member 50 separated by channel 110. Therefore, the examiner certainly can interpret that each separate member 50 as an individual electrode. Further, there is no limitation in the claims that requires the first electrode and the second electrode have to perform a different function or have a different structure.

Applicants further argue that "the reference Emesh et al. is incapable of applying current to said selected parts of said wafer as recited in claim 37". The examiner disagrees. Emesh clearly teaches to apply electrical current plurality of contact element (100) via power source (90). Contact element (100) has a direct contact with the wafer surface. Therefore, the examiner maintains that Emesh teaches to apply a current to selected parts of the wafer.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh X Tran whose telephone number is (571) 272-1469. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine G Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Binh X. Tran

**NADINE G. NORTON**  
**SUPERVISORY PATENT EXAMINER**  
*Nadine*